

A LETTER

Concerning the AFFAIR
OF
Mr. GREENSHIELDS. K

*But this I confess unto thee, that after the manner which
they call Heresie, so Worship I the God of my Fathers.
Acts xxiv. 14.*

*I stand at Cæsars judgment-seat, where I ought to be
judged: To the Jews have I done no wrong as thou
very well knowest.*

*For if I be an Offender, or have Committed any thing
worthy of Death, I refuse not to die: But if there be
none of these things, whereof they accuse me, no Man
can deliver me unto them. I appeal unto Cæsar. Acts
xxv. 10. 11.*

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A LETTER, Concerning the *Affair* of Mr. Greenshields.

SIR,

At your Desire I send you some things, I have taken Notice of, relating to the Dispute between the Magistrates of Edinburgh and Mr. Greenshields, which lies now before the House of Lords, I having read his Appeal, and their Answer to it, And if they afford any Light in that Matter, and you after reading them do not grudge the loss of your Time, I shall think mine in putting them together very well bestow'd. I make use of the words Appellant and Respondents, being their proper Designations at this time. I pass over what does not appear to me to be material, and the many Repetitions in the Answer, and confine my self to such Particulars as follow.

TH F Respondents say, tho' the Appellant exercis'd his Ministry in a private House, yet it was far from being done in a private Way, but with such an Escort and Parade, &c.

To this is answered for the Appellant, That his Manner was no other than what has been customary at Edinburgh, and in several Towns and Parishes in Scotland since the late Revolution. In some of which the Magistrates were not only duly present at the English Service, but even in their Formalities, with all their *Esquais* of Magistracy, particularly in *Elgin*. And tho' their Behaviour was never found to be against Law, tho' complain'd of. Whereas such as resorted to the Appellants Meeting-house, went only as private Persons, without the least Noise or Disturbance to any. And the Respondents profess

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profess with an *Alibi*, that they are far from restraining People from Worshipping God in their own Way. God forbid, say they, that our different Manner of Worship should ever proceed to that Excess; and they own, as very certain, that there is no Law against those of the Communion of the Church of *England* to Exercise their Worship in a private Manner. Which Concession seems to me, a full justification of the Appellant; a Minister being necessary for performing the several Offices contain'd in the Book of *Common Prayer*, which he did on the Call of the People of the Episcopal Communion, which, he believ'd himself in the Circumstances he was then in, obliged to comply with.

The Respondents proceed, and cite three Acts of Parliament, which they pretend restrain the Appellant from exercising his Ministry. But in my Opinion, no such thing can be inferred from these Acts. For the Act, *Anno Dom. 1689*, Abolishing Episcopacy, which is not said to be contrary to the Word of God, or the Practice of the Church of Christ in any Age since the first Planting of Christianity, but only contrary to the Inclinations of the People, does no way affect the Appellant, in the Exercise of his sacred Function as a Presbyterian.

And the Fifth Act 1690. Ratifying the *Westminster* Confession of Faith, and settling Presbyterian Church Government, concerns only Ministers of the Presbyterian Perswasion, and such as they are to admit to Churches and Benefices, or such Episcopal Ministers as by them should be assumed to share in the Government and Discipline of the Church. And the same Answer will serve them, for the 24th Act 1693: By which no Person is to be admitted a Minister or Preacher within this Church, unless he takes the Oath of Allegiance, &c. Subscribes the *Westminster* Confession, and owns Presbyterian Government, &c. But by this Act, and that of July 16. 1695. The Episcopal Ministers in Possession are secured in their Churches and Benefices, without any Dependence on the Presbyterian Indicatives, or any Obligation to subscribe their Confession of Faith, or to own Presbyterian Church Government.

All this time many of the Episcopal Ministers, who were turn'd out by the Rabble, or otherwise, kept Meeting-Houses both in Towns and Country Parishes; tho' they were deny'd Regress to their Livings, or admission into vacant Churches. 'Tis true they were oft times disturbed by the Presbyterian Magistrates; But the only pretence was, their not owning the Civil Government, and not for their being Episcopal Ministers, Intruders, or Exercising their Ministry, without the Authority of the Presbytery, (which is now made a Crime in Mr. *Greenfield's*.) This Matter of Fact is so well known in *Scotland*, that nothing

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thing can be more certain, For in the Parliament there 1703, when a
Legal Toleration for them of the Episcopal Communion was propos'd
it was affirm'd by some Members in the House, that there was no oc-
casion for it, because they enjoy'd it upon the Matter. And since the
Union, you know, Sir, how industrious the Presbyterians and their
Friends have been, to have it believed, That no Episcopal Ministers
were Prosecuted and Imprisoned; but such as refused to Pray for the
Queen, and they were so successful in imposing upon the *English*, that
some Members in both Houses affirm'd it before their respective Houses
of Parliament. And yet the utmost Compliance, and Zeal for Her
Majesty, brought no Protection to Mr. *Matthews* at *St. Andrews*, Mr.
Burgess at *Glasgow*, nor to the Appellant at *Edinburgh*. It would be
endless to name all the Instances that could be given, but that of Mr.
Greenfield, taken with all its Circumstances, is in my Opinion, suf-
ficient to let the *English* see the Grossness of that Mistake and how the
Episcopal Clergy are us'd on t'other side of *Tweed*.

And whereas the Respondents say, That no Church was ever better se-
cured against unwarranted Preachers than the Presbyterian Church is,
I own the Laws have so secur'd Presbytery as that none can be admit-
ted into any vacant Church, or as a Preacher among them (whom they
call Probationers, who have no Orders nor Benefice) but such as are or
profess themselves to be thorough Presbyterians, but several of the Churches,
which are still legally possess'd by Episcopal Clergy Men and the
Meeting Houses, used by these of the Episcopal Communion are not as
yet brought within their Inclosure, neither do the Laws cited by the
Respondents, oblige any Persons to be of the Presbyterian way, They
are still at Liberty to be of that Communion they reckon the best. This
Liberty has been asserted and made use of by Persons of all Degrees, and
in every Station even in the Government, during all this time of the
Legal Establishment of Presbytery. The Presbyterians could never ob-
tain of the Legislature any Law to oblige the People to join in their
Worship, nor any Penalty upon their Non-conformity to it Nay Ex-
communication, which is the highest of all Church Censures, is, when in-
flicted by the Presbyterian Judicatories, by the 28th Act of Parliament
1690. stript of all temporal Penalties. These were called the Sting of
their Excommunication, which the Parliament took care should not
be left in their Hands; For with it they had ruin'd many Noble and
other Loyal Families, during their Covenant and Rebellion against King
Charles II. We do the less grudge their Boasting of their legal Fences,
since God be praised for it, we are not within their Inclosure, and as the
Legislature of *Scotland* had still that Tenderness for the Body of those
of the Episcopal Communion as to allow them their own Communion
and

and Worship, without putting them under a necessity of joining with the Presbyterians, so the Appellant cannot but hope, the Lords of *Great Britain* will be satisfy'd that his Sufferings are not warranted by Law. The Privilege of a different Worship from that of the Presbyterians, is what is peaceably enjoy'd by the *French* Protestants at *Edinburgh*, by the *Palatines* every where, and even by the *Jews* at *London*.

The Appellant is accus'd of intrusion into the Ministry, and introducing Innovations in Worship contrary to the *Purity and Uniformity* of the Worship of this Church, and that the Laws establishing Presbytery abolish all other Worship.

To which, it may serve for Answer, that if by Intrusion be meant the usurping the Sacred Function of a Minister, his Letters of Ordination, and Certificate sufficiently clear him of that imputation; Neither was he guilty of Intrusion by invading or seizing any of their Churches, Manse or Benefices, which is the proper Notion of Intrusion in Law, and particularly in that Act against Intruders. Neither can the Appellant be said to introduce that Form of Worship, for it was used at *Edinburgh* ever since the Revolution. Neither did he introduce these Forms into their Church, because neither he nor his Hearers are of their Church or Communion. And whereas they say that the Laws Establishing Presbytery Abolish all other Worship. This is a Consequence form'd by them, but no express part of any Law Establishing Presbytery, and therefore cannot be the Foundation of any Censure or Penalty for them who differ from Presbytery. The more reasonable way of arguing is, seeing there is no Law obliging the People of any Parish to hear the Presbyterian preachers, or receive the Sacraments from them, under Penalties, the People are still at Liberty to receive the Ordinances from the Episcopal Clergy, and they not disabled from performing the Offices of their Sacred Function to 'em.

But nothing in their Answer is more surprising, than their saying, that the Appellant was not questioned for Prayers but Intrusion into the Ministry, which last is answered above, but this is contrary to the express Words of the Presbyteries Sentence, viz. That he had exercis'd the Ministry within their Bounds. This comprehends both Preaching and Praying.

And the Respondents alledging that the Sentence against the Appellant was not question'd for his using the Prayers of the Liturgy, but only for breach of Uniformity of Worship, all that deserves to be taken Notice of, is their unaccountable Pretences to Uniformity of Worship, who in all their Worship have no Form of sound Words, every Preacher differing from another, and even from himself in his

Extemp.

Extempore Effusions, and who have thrown out of their Worship our Lord's Prayer, the Creed and the Doxology.

But Sir, you will be satisfied, That the Service of the Church of England was the true Cause of the severe Treatment of the Appellant at Edinburgh; For that was the only Worship that he used ordinarily in his Congregation there. The Presbyterian Preachers inveigh'd most profusely against the Idolatry and Superstition of the said Worship from their Pulpits, and that in pursuance of an Act of the Commission of the Church, tho' that most arbitrary Judicatory, which has been a fore Plague to Scotland in all the Times of Presbytery, and yet has no Manner of Foundation in Law. The Act bears Date August the 5th 1709, which the said Commission, by their self assumed Authority, order'd to be printed and read in all the Churches, of which I send you a printed Copy. And 'tis remarkable, That tho' that whole Act be against the Worship and Doctrine of the Church of England, yet that is never once nam'd in it, but Circumlocutions are used of Innovations, &c. The Lord's Day next after the Publication of the said Act, pursuant thereto, violent Declamations were made from the Pulpits, especially in Edinburgh, against the Worship of the Church of England, and the Makers of a Law must be allowed to be the best Interpreters of it. I need say no more to what the Respondents say of the Appellants not having been question'd for Prayers.

But before I dismiss this Matter, give me leave, Sir, to observe to you, how absurd it is to call the Worship of the Church of England an Innovation in Scotland. The Histories of that Church and Nation make the contrary very evident; for Knox's History, p. 170. 228. says, That the Reformers there in their publick Deeds, openly and solemnly profess that they were of one Religion, of one Communion with the Church of England, and Mention is there made of a League between the two Nations, in God, and for God's Cause, and it is called a Godly Conjunction, and Knox, Buchanan and Spottiswood agree that this Union was concluded, Buchanan, p. 714. says, *Scoti ante aliquot annos, Anglorum auxilio, e Servitute Gallica liberati, religionis cultui & ritibus cum Anglicis communibus subscripserunt.* By an Ordinance of the Lords of the Congregation, (That was the Designation of the Promoters of the Reformation) dated December 3d 1557. All Parishes within the Realm of Scotland are expressly required, that in them be read publickly, weekly on *Sundays* and other Festival Days in Parish Churches the Book of Common Prayer with Lessons out of the Old and New Testament conformable to the Book of Com. Prayer. Knox, p. 112. Spottiswood 117. Petrie, 192. Some Years after this, the Geneva Form was introduced by a General Ass. 1562, but could not at that time turn out the English Liturgy. But 'tis evident from the Histories of that Church, that Liturgies or set Forms of

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of Divine Worship were always used in it, until the Days of the infamous *Solemn League and Covenant*, and were never quite laid aside till the Year 1645. And after the Restoration of King *Charles II.* Episcopacy having been soon re-established, the *English Liturgy* was used in the Cathedral Churches and others at Ordinations, and in many Noble Families, Mornings and Evenings, as the Rubrick directs, and in Her Majesty's Chappel in *White-Road-house*, which, during her abode there, was crowded with the Quality of both Sexes, and it has been much, if not constantly used in Meeting-Houses at *Edinburgh* and other Places in *Scotland*, since the Revolution, and while Colonel *Leith* commanded in *Swirling*, in one of the Churches of that Town, by *R. Williams* express Order.

Sir, a great deal more may be added, but I am unwilling to tire your Patience, and this seems to me enough to clear the *Common Prayer* from being an Innovation in *Scotland*, as it cannot be an Innovation in their Church, unless it were used by themselves, and People of their Communion, which is disclaim'd by all them of the Episcopal Communion.

As for the Appellants being a Stranger at *Edinburgh*, I shall only tell you, Sir, That he was born near that City, educated in the University there, Ordain'd and Married there, and can no more be reckoned a Stranger, than his Episcopal Brethren there, who were not Ministers of that City at the Revolution, and during the time of his being in *Ireland*, his Certificates from thence, which were sighted by the Presbytery, with all Impartial Judges, are his legal Vouchers for the Soundness of his Doctrine and the unblameable Innocency of his Life.

And whereas the Respondents exert themselves in Vindicating the Presbyteries Sentence, they might have sav'd themselves that Labour, seeing the Appellants Complaint is against the Sentence of the Magistrates, of which the former was only the Occasion, but in it self could never affect the Appellant, who is none of their Communion, with any Penalty.

As to what the Respondents say of the Presbytery of *Edinburgh*'s being an Ecclesiastical Judicature, and their Sentence in Matters undeniably such, and that the Presbytery nor none from them are called in this Matter so that beyond Controversy, your Lordships will not at all enter into the Presbyteries Proceedings & what the Magistrates of *Edinburgh* did, to render their Sentence Effectual was according to Law.

I have these Things to offer in behalf of the Appellant, That neither the said Sentence nor any Law brought by the Respondents Authorize, or require them to imprison him, and they are only to execute such Sentences,

Sentences, in the Terms of the Law, and as the Law directs, which Rule 'tis evident, they have not govern'd themselves by, in Relation to the Appellant.

And whereas the Respondents, to avoid the Judgments of Lords, pretend, that it is an Ecclesiastical Sentence, and consequently not within their Lordships Jurisdiction, I hope to make it appear, *imo*. That tho' it were an Ecclesiastical Sentence, yet the Lords in Parliament are competent Judges of it. *2do*. That, that wherein the Appellant is aggriev'd, and of which he complains, is no Ecclesiastical Matter.

imo. It is expressly declared Act 1. Parl. 8. *James VI.* 1584. That his Highness [the King] ' his Heirs and Successors, by themselves ' and their Councils, are, and in time to come shall be judges competent of all Persons, of whatever Estate, Degree, Function, or Condition, Spiritual or Temporal, in *All Matters*, &c. And that none ' of them, whilk shall happen to be apprehended, called or summon'd ' presume or take upon Hand, to decline the Judgment of his Highness, his Heirs and Successors, or their Council in the Premises, *under the Pain of Treason*.

This Law is in full Force, never having been repealed, and the Respondents could not but know, of what dangerous Consequence it would have been, had they declined the Judgment of the Lords of Council and Session, which had it been lawful for them to do, there could have been no Appeal in this Matter. But since it came regularly before the Lords of Session, it is uncontravertibly properly & regularly now before the Lords in Parliament. That which is regular in *prima instantia*, cannot be otherwise in this Progress, the Session being a Judicatory purely Civil, and no Ecclesiastick on the Bench, and Appeals lying as regularly from their Sentences, as from the *Dernees of Chancery*; For of the former as well as of the latter there are daily Instances and have been divers in every Session of the *British Parliament*.

Pray Sir, take notice, that the Dispute about the regularity of this Appeal was never mentioned, nor, I believe, thought on, by the Presbytery, the Magistrates of *Edinburgh*, Lords of Session, Lawyers or any others in *Scotland*, before the Order of the House of Lords came to be known there. And it cannot be supposed, that all these could have been ignorant in so material a Point, and of so great Advantage for maintaining the unaccountable Dominion of Presbytery; or should we suppose the Presbyterians appriz'd of their Priviledge of being *unaccountable*, they must be presumed to have put far greater Confidence in the Lords of Session, in whose favours they wav'd it, than in the

Peers assembled in Parliament, whose Judgment they endeavour all they can, to decline.

The Law aboverecited, leaves no room to doubt of the Ecclesiastical Supremacy being in the Crown, and it shall be made appear, that it has been exercis'd by the Kings of Scotland, in all Reigns since the Reformation to this Day.

But before I proceed to that, I think it necessary to shew you the Difference between Ecclesiastical Supremacy in *England* & *Scotland*, which some not observing, are at some loss in the Appellants Case. The first being so in the Sovereign, That the Queen appoints her Delegates to judge of Appeals in Ecclesiastical Causes. But in *Scotland* the Queen and her Privy Council, and sometimes the Parliament were the Judges, according to the Laws and Constant practice of that Kingdom. And there never having been Delegates in *Scotland*, and no Privy Council or Parliament there now, these Causes must either remain undecided, or come under the Cognizance of the House of Peers. There is another Material difference as to the Sentences Ecclesiastical, and the Executions thereupon in *England*; inferior Magistrates are by Law bound to execute the Bishops Sentence upon his *Significavit*, but in *Scotland*, no Magistrate can by Law inflict any Penalty upon the Presbyteries Excommunication, this appears from the 28 Act of Parliament 1. W. and M. 1690, And when Punishments can be inflicted, as in the single Case of Intrusion into Churches and Benefices, 'tis clear from the Act against Intrusion, That the Presbytery are only Informers, and Complainants, the Magistrates therein mention'd, being Judges of the Facts, and they are required to give *Due*, that is, Legal Execution, as *accords* in Law, that is, according to Law, which they do by interposing their Sentence, upon a Citation of ten days, so that whatever is penal flows from the Sentence of the Civil Judge, which falls under the Cognizance of Superior Judges, and Consequently the *dernier resort* is in the House of Lords.

Having set this Matter in its true Light, I come to shew that the Ecclesiastical Supremacy was always made use of since the Reformation. But it would make a Volume to bring all the Instances our Histories afford on this Subject, and therefore I shall only point at some few, and begin with the famous Mr. Black and the other Minister of St. Andrews, and the Ministers of *Edinburgh*, for the Reign of K. James VI. You will also find General Assemblies chastis'd by that Prince, and if you will give your self the trouble to enter a little into the Detail, *Spottiswoods* History will give you full Satisfaction as to this Point. 'Tis too true, that in the next Reign, the Kirk conquer'd first the Bishops, and afterwards the King, to the great Scandal of our Country, But there are several Instances of K. Charles I. using his Ecclesiastical

Supremacy. And after it pleas'd God to restore K. *Charles II.* the Ecclesiastical Supremacy soon took place, and indeed seem'd to be carry'd too far, in that Act of Parliament 1689. Entitul'd *The Act of Tendency*, which is rescinded in the Year 1690, for it affirm'd it to be the Inherent Right of the King and his Successors, by themselves, to alter the Government of the Church. Whereas that can only be done by the King and Parliament, which is a full Proof of the Ecclesiastical Supremacy being in them; Otherwise the Parliament could not have abolish'd Episcopacy in the Year 1689, and establish'd Presbytery in 1690, as was done. The Government of the Church is undeniably an Ecclesiastical Matter, wherein all Ecclesiasticks, whether Episcopal or Presbyterian are nearly concern'd.

In the year 1689, The Committee of the Estates, and the Privy Council untill it was abolish'd, turn'd out many Ministers, some for not complying with the Revolution, and others who had comply'd with it, as Mr. *Ramsay* at *Edinburgh* for not observing the Presbyterian Fasts, and many Ministers who were prosecuted by the Presbytery, had their Recourse to the Privy Council, as Mr. *Heriot* in *Dalkieth* and others, from all which it evidently follows, that the Jurisdiction of the House of Lords, to whom by the Union is devolv'd the Judiciary Power of the Privy Council, which was a Sovereign Court, and likewise of the Parliament of *Scotland* as a Court of Judicature, is most Competent in the Case of the Appellant.

Her Majesty asserts her Ecclesiastical Supremacy in her Letters to the General Assemblies, inserted in the *Gazets*, and her Commissioners exercise it, and the General Assemblies submit to it, without any Remonstrance or Protestation. The late Earle of *Lothian*, without any Ceremony dissolv'd them against their Will in the last Reign. The Proclamations for observing Fasts and Thanksgivings are another Instance.

But not only the House of Lords, but every inferiour Magistrate, as I observed before, is Judge of the Sentence of the Presbytery, and unless he approves of it, and interposes his own Sentence it can have no Effect.

It is against the Sentence of the Magistrates of *Edinburgh* the Appellant craves relief, as being unjust and illegal in the Manner and Matter of it. For tho' he were really guilty of Intrusion into a Church and Benefice, as he is not, yet the Law against that Offence orders a Citation on ten Days to be given, which was not done to the Appellant. And as to the Matter of the Sentence, viz. Imprisonment, there is no Shadow of Law for it.

As to the Exception made of the Appellants not having gone through all the Church Judicatories, he was never within the Terms

of an Appeal from the Presbytery, but of a total Declinature of their Jurisdiction, which reaches all their Judicatories at the same Time. And indeed the Laws have given them no Jurisdiction or Authority over any but those of their own Communion, as I have already observed, and such Episcopal Ministers, in Possession of Churches, as shall be found to be scandalous, Erroneous, Ignorant, or Negligent, or Intruders into Churches, and yet in the last Case they are only Informers and Complainers.

As for the Appellants being ordained by the late Bishop of *Ross*, whom the Respondents call an exautorate Bishop, there was no particular Sentence against him or any of the Bishops of *Scotland*. The State thought fit to abolish Prelacy, but could never divest these Prelates of their Spiritual Powers, which no State can confer. Nor is it to be imagin'd that the Parliament intended it. Only in that Juncture, for Reasons of State, it was thought fit to gratifie the Presbyterians. And when Presbytery had one former Legal Establishment in the Year 1592, Bishops exercised their Office, the Kings Children were baptiz'd by them, and it can be made appear from the Records of Parliament and Council, that even during that Interval to the Restoration of Episcopacy some Years after, they sat in Parliament, and were Privy Counsellours to the King, and frequently mention'd in our Histories. It is a very singular as well as new Opinion that Secular Deprivations render the Spiritual Acts, intrinsic to the sacred Functions, invalid. And is sufficiently confuted in the Petition of Mr. *Greenshields* to the Lords of Council and Session, part of which I have inserted, and is as follows.

‘ But seeing that your Lordships Reasoning upon that Matter in my Case, seemed to differ from the Opinion and Judgement of all Christian Churches and States in the World. I shall therefore endeavour in the next Place to make it Evident and clear, that my Ordination, as it stands, is Valid, according both to Episcopal and Presbyterian Principles: And that I ought not to be stoppt or impeded in the Exercise of the Ministerial Function, much less detained in Prison upon that Account.

‘ The Power and Faculty of Preaching the Gospel, Administring Sacraments, giving holy Orders, &c. are of Divine Original, flowing from *Jesus Christ*, Head of his Church; and these Powers have been exercised, not only Independent of the Civil Magistrate, but even *oppugnante et reluctante Magistratu*, so the Apostles preached and exercised their Office after they were prohibited by the *Jewish Sanhedrim*, which was the Supreme Court of that Nation, and whose Authority they owned, but could not comply with, when it interfered with the

the Command of God; And therefore St. Peter stood up and said, in the Face of the Court, *we ought to obey God rather than Man.* St. Paul and Silas, also were cast into Prison at *Thyatira*, but tho' they were under the Sentence of the Law, they ceased not to exercise their Ministry, for they first preached the Faith to the Jaylor, and then baptized him and all his Family. And from the Apostles were continued downwards in an uninterrupted Succession, the Bishops, Presbyters and Deacons in the Christian Church, who performed the Offices of their respective Functions, without regard to the Magistrates Prohibition or Restraint: And when the State became Christian, *Athanasius* and many Catholick Bishops were excommunicated under the *Arian* Persecution, by *Constantius*, *Valence* and others, and yet the Ordinations and other Deeds of these Excommunicated Bishops were not only sustained Valid but highly approved.

By all which it appears, that the Laws then in being, did both condemn the Religion and discharge the Offices, yet for all their being thus Excommunicated by the Secular Power, and hindered from enjoying Benefices, and other External things that depend upon Civil Government, their Acts of Ordination, and others that are Intrinsic to their Office, were validly performed, as all Church-Men do agree in.

There is a vast difference betwixt the abolishing the Order of Episcopacy, and Excommunicating in strict and true Sense, that is the deposing a Bishop: The Effect of the former is meerly its ceasing to be any part of the legal Policy or Constitution of the Church, to which the Law gives any Encouragement, the other, presupposing a real or pretended Crime in a Person, infers an inability upon that Person to exercise those Spiritual Powers conveyed to him by the Church, from our Saviour the Head of it.

Now the Act of Parliament abolishing Episcopacy only affecting an Order, but not respecting the Persons of the Men, or considering them in the least, whether worthy or unworthy of their Spiritual Office, can never be supposed any manner of Way to affect, far less to Depose them of the Exercise of these Spiritual Powers that are Intrinsic to their Office; and in Consequence to this, whatever Spiritual Powers they exercise among those who submit unto them, must needs be unacceptably valid, notwithstanding any Act of State in abolishing their Order.

But now to bring the Case nearer home, these Presbyterian Ministers who were ousted and excommunicated by the Civil Power, after the Year 1660, did never esteem any Deed of the State to have deprived them of their Spiritual Power, but continued to exercise all the Parts of it, and

and particularly did by Imposition of Hands convey their Power to others, who by virtue thereof did perform the Part of Ministers, and are at this present actual Ministers in several Parishes of Scotland, without any other Solemnity constituting them Ministers.

But to put the Case in a true Light; there are two things in this Matter to be considered, which are in themselves distinct, which when confounded breed Perplexity in this Case. There is the Power it self, which being a meer Spiritual Power and from God, cannot be taken away by any civil Power or Magistrate: Then there is the Exercise of this Spiritual Power, which falls under the Regulation of the Magistrate, by countenancing and encouraging it by Franchises and Priviledges, which being the Magistrates Gift, may again be taken away at Pleasure; or by making the Exercise of this Spiritual Power Penal, and inflicting Punishments in Case of Disobedience. The whole Effect whereof is to render the Transgressor liable to Punishment, but can never amount to invalidate the Deeds done in Virtue of a Power, derived from God, and not from any Civil Power in Nature.

By this Distinction, the Matter is very clear, and it can never be understood, that this Spiritual Intrinsic Power was touched by that Act, that abolished *Episcopacy*; it only declared that the Superiority of Bishops over Presbyters was no longer to be continued in the Government of this Church, but could never deaude them of their Spiritual Power, in respect whereof they still continued to be Bishops of the *Catholic Church*, and accordingly all their Deeds were and have been held to be valid Deeds of a Bishop: And particularly by the Bishops of *Ireland* in your Petitioner's present Case, and by the Bishops of *England* also in many like Cases.

Though we are on good Grounds offended with the Constitution of the *Roman Church*, and the Abuses that are brought into the Offices of Ordination, and though the Pope and all *Papish* Bishops stand exalted by the Laws of *Great Britain* and *Ireland*, yet we sustain their Ordination as valid, so that no where is a Priest, when he comes over from them to us *Protestants*, obliged to receive Imposition of Hands *de novo*, and when in that Case the Ordination is not quarrelled, what Reason can there be for calling in question an Ordination performed by a *Protestant* Bishop, with the Concurrence of other Presbyters, according to the express Rubrick of the *English Ordinal*, by which it was performed, and according to the Prescription whereof some Presbyters were assisting, and concurring also by their imposing of their Hands, by which I become a Minister of the *Catholic Church*, and have Power to exercise my Ministerial Office, within any Part of the same.

Further

Further; the *Presbyterian* Ministers themselves, who disown and decry the Office of a Bishop will not dispute an *Exanctorate* Bishop's Right to be a *Presbyter*, in vertue whereof, upon their own Principles, he had Power, *qua Presbyter*, with Concurrence of other *Presbyters*, to confer the Power of the Ministry, and upon the Supposition that I were to enter, and to be received into the Communion of the present *Established Church of Scotland*, it is humbly conceived, that they would sustain my former Ordination by the *Exanctorate* Bishop to be *valid*, and that they would not oblige me to receive Imposition of Hands from them *de novo*, whereof there be notour Instances, particularly of Mr. *Guthrie* admitted by them a Minister in *Orkney*, who had been Ordained by an *Exanctorate* Bishop, as we can instance in others also.

To this, Sir, give me leave to Add; That when the Emperor *Valens*, Banish'd three famous Orthodox Bishops, the great *Melitus* (I give you the Historian's Epithets) from *Antioch* into *Armenia*, the divine *Eusebius* from *Samosaria* into *Thracia*, and the admirable *Pelagius* from *Laodicea* into *Arabia*, they retain'd their Episcopal Character and Authority. *Eusebius*, a Person inured to such Travails and Toils as the Apostles were, finding many Churches Destitute of Pastors, put on the Military Habit, Travell'd over *Syria*, *Phanicia* and *Palestine*, Ordaining *Presbyters* and *Deacons*, &c. and likewise settled Orthodox Bishops in Churches that were Destitute of them. *Theodoret's* Eccles. Hist. lib. iv. cap. 13. For all which he is highly commended by the Learned *Valesius*, in his Notes on that History. The same Emperor, as *Sozomen* tells us, lib. vi. c. 7. Banish'd more Bishops, and gave their Churches to the *Arians*, but the Orthodox *Christians* own'd them still as their Bishops, and particularly at *Cezicum*, where *Elysius* was Bishop, the Orthodox being Deprived of their Churches within the City, which were given to the *Arians*, they Buil't one without the City, in which they Assembled for Divine Worship, As the same Historian informs C. xiii. of the same Book. At the same time, *Evagrius* and *Eusebius* of *Constantinople*, were Expell'd and Banish'd.

St. *Athanasius* is mentioned above.

Paulinus, who Converted the *Northumbrians*, and was the first Bishop or Arch-Bishop of *York*, was banish'd, but acted still as a Bishop, and govern'd the See of *Rochester* till his Death, as *Beda* tells Hist. Eccles. Gen. Anglorum. lib. 2. c. 9. 14. 16. 19. and lib. 3. c. 14.

Wulfred Arch-Bishop of *York* was Banish'd first by *Egfrid*, and afterwards by *Alfred*, yet Acted still as a Bishop, and Converted *Friesland*, *Sussex*, and the Isle of *Wight*, as the above cited Venerable Historian tells us. lib. 3. c. 28. lib. 4. c. 12. 28. and lib. 5. c. 20.

It were endless to bring Instances of this Nature, but these may be reckoned Sufficient for Silencing that Objection for ever. Nevertheless I have added what follows, That the Ordinations even of *Hereticks* and *Schismaticks* have, in several Instances, been allow'd of by the Church. For *Auſi* Bishop of *Theſſalonica*, with a Council of his Provincial Bishops, agreed to receive those whom *Bonoſus* an *Heretical* Bishop of *Macedonia* had ordain'd. And *Liberius* Bishop of *Rome*, not only admitted the *Macedonian* Bishops to Communion, but also allow'd them to continue in their Office, upon their Subscription to the *Nicene* Creed, and Abjuration of their former *Heresy*. *Socrates* lib. 4. c. 12. *Sozom.* lib. 6. c. 10. *Basil. Ep.* 74. *ad Episcopos Occidentales*. And the general Council of *Ephesus* Act. 7. against the *Mellians*, otherwise called *Euchites* and *Enthusiaſts*, decreed, That if any of their Clergy would return to the Church, and in Writing Anathematize their former Errors, they should continue in the same Station they were in before, *Si Clerici fuerint, maneat Clerici*, &c. And the 8th Canon of the great *Nicene* Council, is in favour of the *Novatian* Clergy, only giving them a Reconciliatory Imposition of Hands by way of Absolution, not Re-ordination. In *Africa* the Ordinations of the *Donatists*, who were ever reckon'd *Schismaticks*, were allow'd of, upon their return to the Church, This appears from *Aug. Contra Parmen.* lib. 2. c. 13. &c. lib. 2. c. ii. *Contr. Cresc.* This is more Evident from the Canons of the *African* Councils. *Cod Can. Afric.* c. 69. 70. And the Concession in the Conferences there. *Collat. Carthag. die 1. c. 16.* when the Proposal was that the *Donatist* Bishops should enjoy your Honour and Dignities, if they would return to the Unity of the *Catholic* Church. This had been before determin'd in the *Roman* Council, under *Melhiades*, where the *Donatists* had their first Hearing. For there, as *St. Aug.* informs us, *Ep. 50. ad Bonifacium*, *Damnato uno quodam Donato, qui Author Schismatis fuisse manifestatus est, Ceteras Correctos, etiamsi extra Ecclesiam ordinati essent, in suis honoribus recipiendos esse censuerunt.*

Mr. *John Hearn* Chaplain to the late Lord *Preston*, Ordain'd by the late depriv'd Bishop of *Norwich*, possesses a Living, without any new Ordination.

Mr. *Tho. Abernethy*, a *Romish* Priest and of the Order of the *Jesuits*, upon his renouncing *Popery*, was by the *Covenanters* admitted Minister of *Hownam*, without any new Ordination. Neither can I think they could pretend to re-ordain him; For the Validity of *Popish* Orders, is asserted by the *Presbyterian* Ministers in the Appendix to their 2d Edition of *Jus Divinum Regiminis Ecclesiastici*. In these Words, 'The Church of *Rome* could as validly Ordain as Baptize,' and who did ever question the Validity of her Baptisms? And in the Book, entituled, *The Divine Right of the Ministry of England* Ch. 3. p. 44, They

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• They say, they think it no Disparagement to their Ministry to say,
 • They receiv'd it from Christ and his Apostles, and from the Pri-
 • mitive Churches, through the Impure and Corrupt Channel of the
 • Church of *Rome*. And p. 44. They write thus, The receiving of our
 • Ordination from *Christ* and his Apostles, and the Primitive Churches,
 • and so along, through the Apostate Church of *Rome*, is so far from
 • nullifying our Ministry or disparaging of it, that it is a great Strengthen-
 • ing of it, when it shall appear to all the World, that our Ministry
 • is derived to us from Christ and his Apostles, by a Succession of
 • Ministers continued in the Church for 1600 Years, and that we
 • have a Linear Succession from the Apostles, &c.

Forgive me, Sir, for dwelling so long upon a Point, of which I know,
 you entertain no Doubts. But the Libertinism of this Age, in trampling
 upon the Institutions of our blessed Saviour, and ridiculing the
 Sacred Offices of the holy Ministry, as well as in insulting and persecuting
 the persons who have the Honour to be clothed with the Sacred
 Character, is Horrid! And must raise in every true Christian both
 Contempt and Pity. The Respondents take part in this Scoffing in
 their Answer, when they trifle about the Indelible Character. But
 of that I shall take no farther Notice at present.

I only wish that the exceeding Industry of that Party, to get this
 Illegal Sentence against the Appellant affirm'd, may provoke the
 Zeal of the Appellants Friends, and care taken that his Case may be
 truly Represented, which is all that it wants. For should he be
 cast, great Numbers of other suffering Ministers can have no hopes
 of Escaping the Fury of an implacable Party, which I hear has slept
 some time, until they see the Issue of this Affair. But many whom I
 can name are now under Prosecution in diverse parts of that Country,
 some of them for being present at a Funeral, where the Office for
 the Burial of the Dead was read. For the Presbyteries Invention is
 fruitful in finding Faults. Sir, the Act of the Commission, worthy
 your perusal, usher'd in the late Prosecutions, and set the Preachers
 so generally to Declaim, with their usual Zeal against the Idolatrous
 and Superstitious Church of *England*. This Letter is too long already,
 and you have not allow'd me time to make it shorter, Therefore I
 hope you will forgive the Tedioufness and Unpoliteness of it, and ac-
 cept of my humble Endeavours briefly to give you a right view of Mr.
Greenfield's Case, I am with much respect,

February 27th.

1711.

Sir,

Yours.

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*Of the Commission of the General Assembly
against Innovations in the Worship of GOD.*

THE Commission of the General Assembly of this Church, taking to their serious Consideration, That the Purity of Religion, and particularly of Divine Worship, and Uniformity therein, is a signal Blessing to the Church of Christ, which all good Christians are bound to maintain and contend for, especially the Ministers of the Gospel: And that it hath been the great Happiness of this Church, since her Reformation from Popery, to have enjoyed and maintained the same: Likess, by the 5th. Act of the Parliament held Anno 1690, and the 23. Act of the Parliament 1694, the aforesaid Purity and Uniformity of Worship is provided for, which Acts are also most expressly Ratified and Approven by the 6th. Act of the Parliament 1707. whereby Her Majesty, with Advice and Consent of the Estates of Parliament, doth confirm the Establishment of the Protestant Religion, and the Worship, Discipline and Government of this Church, to continue to the People of this Land, to all succeeding Generations. And further, that it is expressly provided, by the Act Ratifying and Approving of the Union of the Two Kingdoms of Scotland and England, that the Form, Purity, and Uniformity of Worship, as now Established in this Church, is in the Terms of the foresaid Acts, to continue to the People of this Land, without any Alteration in all succeeding Generations: And it is also therein Statute and Ordained, that the said Establishment shall be held and observed in all time coming, as a Fundamental and Essential Condition of the foresaid Union of the Two Kingdoms, without any Alteration thereof, or Derogation thereto, in any sort for ever.

And being well informed by Representations from several places of this Church, and particularly by a Reference from the Presbytery of Edinburgh, that the fore-said Acts are manifestly violated by Persons of known Disaffection to the present Establishment in Church and State, their introducing the use of Set Forms, Rites and Ceremonies in the Worship of God, in publick Assemblies, manifestly contrary to the fore-said Purity and Uniformity, which are Established by the Acts above-mentioned, the Introduction whereof, was not so much as once attempted, even during the late Prelacy.

Considering also, that such Innovations are Dangerous to this Church, and manifestly contrary to our Confession of Faith, founded on the Word of God and Established by Law, and unalterably secured to us by the fore-said Union, which Confession expressly declares, that nothing is to be admitted in the Worship of God, but what is prescribed in the Holy Scriptures.

And considering that the Attempt made in former times for the Introduction of these Innovations in the Worship of God in this Church, have been of Fatal and Dangerous Consequence to the Nation: And that the Bold and incessant Endeavours that are now used by Men of Restless and Divisive Spirits, to promote the same, are manifestly Factions, and have created great Jealousies, and Animosities among the People.

And Lastly, Considering, That the late General Assembly did Instruct and Enjoin us, to use all proper means, for suppressing and removing all such Innovations, and preventing the Evils and Dangers that may ensue thereupon to this Church.

Therefore, and upon all these Considerations: We the said Commission of the General Assembly being moved with Zeal for the Glory of GOD, the Purity and uniformity of his Worship, and for securing the Peace and Quiet, both of Church and State, Do hereby Discharge the Practice of all such Innovations in Divine Worship within this Land, and earnestly obtest, and in the Bowels of our LORD JESUS CHRIST, Exhort and beseech People of all Ranks, carefully and conscientiously to avoid, and utterly to discountenance all Innovations in the Worship of God, contrary to that Purity and Uniformity practised in this Church, and established by the Act of the General Assemblies theretof, and the Acts of Parliament above-mentioned, particularly the Act concluding the Union of the Two Kingdoms.

And farther, The said Commission requires and obtests, all the Ministers of the Church, Especially, these in whose Bounds any such
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Innovations are, or may happen to be, to represent to their People the Evil thereof: And seriously to exhort them to beware of the same, and to deal with such as do practise these Innovations, in order to their Recovery and Reformation, according to the 15 Act of the General Assembly 1707. Entitled, *An Act against Innovations in the Worship of GOD*: And that Presbyteries in whose Bounds these Innovations are, or may happen to be, take notice of such Innovators and Innovations, and be careful to prosecute the foresaid Innovators, and take Trial of these Innovations, and Censure and Suppress the same, according to the Authority committed to them, and that they do apply to the Civil Magistrate in the Terms of Law, for rendering their Censures and Sentences effectual, according to the 23 Act of Parliament 1693. and give an exact account of their Diligence therein to the next Meeting of the Commission: And Ordains these Presents to be Printed and Transmitted to the several Presbyteries with all possible Diligence, that the same may be Read from the Pulpits in all the Congregations of this Church.

Extracted by me

Jo. Dundas Clk. Eccl. Scot.

1764

